

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

OLIN CORPORATION,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, ET AL.,

Respondents.

Case No. 25-1014 and the
consolidated cases

JOINT PROPOSED BRIEFING SCHEDULE

Pursuant to the Clerk’s February 11, 2025, Letter, Petitioners Olin Corporation, American Chemistry Council and Georgia Chemistry Council, Ohio Chemistry Technology Council, United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, AFL-CIO, Ohio Environmental Council and Louisiana Environmental Action Network, Sierra Club, and Texas Chemistry Council, and Respondents the United States Environmental Protection Agency and Administrator Lee Zeldin¹ (collectively “EPA”), jointly propose the below briefing

¹ Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Administrator Zeldin is substituted for former Acting Administrator James Payne in case Nos. 25-1014 and 25-1139 and former Administrator Michael S. Regan in case No. 25-1175.

schedule for these consolidated cases. EPA reiterates its request to extend the abeyance and joins this proposal in the event that EPA’s pending Motion to Extend Abeyance is not granted.

The Parties propose:

Date	Filing Due	Word Limit
March 21	Certified List/Index to Administrative Record	N/A
June 4	Opening Briefs	<u>Industry Petitioners</u> : 13,000 words (up to two briefs) <u>Union and Environmental Petitioners</u> : 13,000 words (up to two briefs)
August 18	Response Brief	26,000 words
September 22	Reply Briefs	<u>Industry Petitioners</u> : 6,500 words (up to two briefs) <u>Union and Environmental Petitioners</u> : 6,500 words (up to two briefs)
October 13	Joint Appendix	N/A
October 27	Final Briefs	N/A

In support of this proposal, the Parties state the following:

1. These consolidated cases involve multiple petitions for review of an EPA action entitled, “Carbon Tetrachloride (CTC); Regulation under the Toxic Substances Control Act (TSCA)” 89 Fed. Reg. 103512 (Dec. 18, 2024) (“Rule”).

2. On February 11, 2025, the parties were directed to submit a joint briefing proposal by March 4, 2025. ECF 5484565.

3. On February 12, 2025, EPA filed a Motion to Extend Abeyance by 120 days. ECF 5485364. Olin Corporation filed an Opposition, ECF 5489017, and EPA filed a Reply in support of its Motion, ECF 5491722. That Motion remains pending.

4. The eight petitions for review challenge the same Rule and will be reviewed on the same administrative record. However, all Petitioners may not necessarily wish to raise the same issues. Petitioners with similar interests are divided into three groups:

- a. Industry Petitioners: Olin Corporation, No. 25-1014, American Chemistry Council and Georgia Chemistry Council, No. 25-1132, Ohio Chemistry Technology Council, No. 25-1140, Texas Chemistry Council, Inc., No. 25-1266.
- b. Union Petitioners: United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, No. 25-1137, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, AFL-CIO, No. 25-1138.

- c. Environmental Petitioners: Ohio Environmental Council and Louisiana Environmental Action Network, No. 25-1139, Sierra Club, No. 25-1175.

5. To avoid overlapping and/or repetitive briefs the Parties propose that Industry Petitioners coordinate and file briefs totaling 13,000 words, with the option to split their filing into two briefs. Similarly Environmental and Union Petitioners will coordinate and file a brief or two separate briefs totaling 13,000 words, also with the option to split their filing into two briefs. There are four petitions from Industry Petitioners and four collectively from Environmental and Union Petitioners so each group should receive an equivalent word allocation. These word limits are consistent with those provided in Federal Rule of Appellate Procedure 32(a)(7)(B)(i).

6. In order to ensure that EPA has sufficient space to respond to all arguments raised by Industry, Union, and Environmental Petitioners in their Opening Briefs, EPA requests that the Court allocate the sum of Petitioners' Opening Briefs, 26,000 words, to EPA for its Response Brief.

7. Finally, the Parties propose Reply Briefs that are consistent with the limitations in the Federal Rule of Appellate Procedure 32(a)(7)(B)(ii): Industry Petitioners will file Replies totaling 6,500 words and Environmental and Union

Petitioners will file separate Replies totaling 6,500 words. As with the Opening Briefs, these can each be split into two filings.

8. With respect to timing, EPA requests additional time to file its Response Brief. As a matter of course EPA requests 60 days to file response briefs given the necessary drafting and interagency review process. Before filing, counsel for EPA must coordinate with officials at the U.S. Department of Justice as well as at EPA for review and approval of the brief. This review concerns not only the substance but also the technical correctness of the arguments presented in the brief. Here, EPA requests 75 days instead of the 30 days provided in Federal Rule of Appellate Procedure 31(a)(1) given that it will be filing an oversized brief and responding to multiple (and potentially divergent) arguments from at least two briefs. Accordingly, Petitioners are also afforded 75 days for their Opening Briefs.

9. The deadline for Petitioners' Replies is also extended from the 21 days provided in Federal Rule of Appellate Procedure 31(a)(1) to 35 days given the potential for vacations during August and the need to respond to potential amicus briefs.

10. The Parties also propose to use a deferred appendix per Federal Rule of Appellate Procedure 30(c) and propose to file the Joint Appendix on October 13th and Final Briefs on October 27th.

11. For the reasons above, the Parties respectfully request that the Court enter the proposed briefing schedule. EPA joins this request to the extent its pending Motion to Extend Abeyance is denied.

Respectfully submitted,

Dated: March 4, 2025

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CERTIFICATE OF SERVICE

I, Zoe B. Palenik, hereby certify that on March 4, 2025, I filed the foregoing Joint Proposed Briefing Schedule with the Clerk of Court for the United States Court of Appeals for the Eighth Circuit using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

DATED: March 4, 2025

/s/ Zoe B. Palenik
ZOE B. PALENIK